

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

Fairfield Sentry Limited, et al.,

Debtors in Foreign Proceedings

Chapter 15 Case

Case No. 10-13164 (CGM)

Jointly Administered

Fairfield Sentry Limited, et al.,

Plaintiffs,

v.

Theodoor GGC Amsterdam, et al.,

Defendants

Adv. Proc. No. 10-3496 (CGM)

Administratively Consolidated

This brief is submitted in the following Adversary  
Proceedings:

10-3635, 10-3636

**NOTICE OF DEFENDANT VERWALTUNGS-UND PRIVAT-BANK  
AKTIENGESELLSCHAFT'S MOTION PURSUANT TO FED. R. CIV. P. 12(b)(5) TO  
DISMISS FOR FAILURE TO SERVE PROCESS**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law by Defendant Verwaltungs-und Privat-Bank Aktiengesellschaft ("VP Bank AG") in Support of its Motion Pursuant to Fed. R. Civ. P. 12(b)(5) to Dismiss for Failure to Serve Process, the Declaration of Dr. Hilmar Hoch, dated May 21, 2021, and all exhibits thereto, VP Bank AG shall move this Court before the Honorable Cecilia G. Morris, United States Bankruptcy Judge, at the United States Bankruptcy Court, Southern District of New York, Courtroom 621, One Bowling Green, New York, New York 10004, on August 18, 2021 for an order dismissing the complaints against VP Bank AG in the above-captioned adversary proceedings for failure to serve process

pursuant to Rule 12(b)(5) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure.<sup>1</sup>

**PLEASE TAKE FURTHER NOTICE** that VP Bank AG is providing notice of this Motion in accordance with the service provisions set forth in the Case Management Order entered on May 16, 2012 (Dkt. No. 467).

**PLEASE TAKE FURTHER NOTICE** that pursuant to an order entered on April 26, 2021 (Dkt. No. 3136), opposition briefs, if any, are to be filed and served upon the undersigned by no later than July 26, 2021, and that the undersigned shall file and serve a reply brief, if any, by August 2, 2021.

Dated: New York, New York  
May 21, 2021

/s/ David M. Morris  
David M. Morris  
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AG)*

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<sup>1</sup> VP Bank AG submits this motion without prejudice or waiver of any rights or defense, including, without limitation, defense based on lack of personal jurisdiction or failure of service.